

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MARIO ZAMORA,

Petitioner,

vs.

WARDEN E.K. McDANIEL, et al.,

Respondents.

3:10-cv-00656-LRH-VPC

ORDER DISMISSING PETITION

The petitioner has presented the Court with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and has paid the filing fee.

It appears to the Court from the face of the petition that it is fatally flawed. First, it appears that the single claim raised in the petition has not been previously presented to the Nevada Supreme Court for review making the claim unexhausted. Petition, pp. 1, 4; *see* 28 U.S.C. § 2254(b)(1). Second, the petition does not identify a federal claim for relief. Petition, p. 3; *see* 28 U.S.C. § 2254(a).

Petitioner is advised that to exhaust a claim, petitioner must have "fairly presented" that specific claim to the Supreme Court of Nevada. *See Picard v. Conner*, 404 U.S. 270, 275-76 (1971); *Schwartzmiller v. Gardner*, 752 F.2d 1341, 1344 (9th Cir. 1984). Petitioner has not presented any claims to the Nevada Supreme Court. Moreover, he has not identified the federal basis for his claim. Accordingly the petition shall be dismissed without prejudice.

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1       **IT IS THEREFORE ORDERED** that the petition is **DISMISSED without prejudice**. The  
2 Clerk shall enter judgment accordingly.

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4       Dated this 28th day of October, 2010.



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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE